

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK**

GERMANE NETTLES
Plaintiff,

vs.

ZOOM 34 LLC, LIBERTY CHICKEN INC.
Defendants.

Case No. 1:25-cv-00334-CBA-MMH

**AFFIRMATION IN SUPPORT
OF REQUEST FOR CLERK TO
ENTER DEFAULT**

JENNIFER E. TUCEK, hereby affirms under penalty of perjury as follows:

1. I am the attorney for the Plaintiff, Germane Nettles, in the above captioned matter.
2. The within action was commenced for injunctive relief, pursuant to the Americans with Disabilities Act, 42 U.S.C., Section 12181 et. Seq. (ADA) and 28 CFR Part 36 (ADAAG).
3. Plaintiff is a resident of the State of New York and is of this jurisdictional district. Plaintiff is a complete T-6 paraplegic and is disabled as defined by the ADA. Plaintiff is substantially limited in performing his/her daily activities and uses a wheelchair for mobility purposes.
4. The within action commenced on January 19, 2025 with the filing of the summons and complaint (DE 1). An Amended Complaint was filed on July 23, 2025. (DE 14.)
5. The summons and Amended Complaint were served on Defendant, Liberty Chicken Inc., on August 20, 2025. Proof of service was filed on September 4, 2025 (DE 19). Defendant's time to answer or otherwise responds to the complaint expired on October 13, 2025. To date, no Answer has been interposed on behalf of the Defendant. The Defendant is a corporate entity, and is not an individual in the military service, nor is the Defendant an infant or incompetent.

6. The summons and complaint were served on Defendant, Liberty Tropical Jerk & Seafood Center Inc., by service upon the New York Secretary of State on August 19, 2025. Proof of service was filed on October 7, 2025 (DE 27). Defendant's time to answer or otherwise responds to the complaint expired on September 9, 2025. To date, no Answer has been interposed on behalf of the Defendant. The Defendant is a corporate entity, and is not an individual in the military service, nor is the Defendant an infant or incompetent.

7. The Defendants, Liberty Chicken Inc. and Liberty Tropical Jerk & Seafood Center Inc., have not interposed an answer. It is apparent that the Defendants, Liberty Chicken Inc. and Liberty Tropical Jerk & Seafood Center Inc., have no intention of voluntarily submitting to the jurisdiction of the Court.

WHEREFORE, Plaintiff requests that the Clerk of the Court enter Notice of Default in the within matter.

Respectfully Submitted,

December 20, 2025

s/ Jennifer E. Tucek, Esq.

Law Office of Jennifer Tucek, PC

Attorney for Plaintiff

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